

September 1, 2003

To: The Federal Communications Commission

**COMMENTS In the Matter of PETITIONS
to Discontinue Morse Code Proficiency Testing in Amateur Service Licensing**

INTRODUCTION

The FCC presently has a handful of petitions requesting that the agency discontinue a proficiency test in the use of Morse Code (nicknamed "CW") as part of the licensing structure of the Amateur Service.

The Comments in this filing are intended to respond to this as a common theme contained in **RM-10781** from KI1I; **RM-10782** from KG4QDZ, KG4YUM, and KG4QDY; **RM-10783** from WA6BJH; **RM-10784** from K8AD; **RM-10785** from N0HHS and **RM-10787** from NCVEC, but for the sake of expediency are filed only here in the ECFS file associated with **RM-10787**.

The issue of Morse Code is guaranteed to stir a polarized response from the Amateur Community, with proponents linking the continuation of this testing element with the future of CW and the Amateur Service. Opponents of this license requirement, including Petitioners named above, have established a case they feel discredits the value of Morse Code testing to this mode's contemporary role in Amateur communications.

Neither side has done much to acknowledge that the mode of CW would retain value among its supporters without a federal mandate, and that this activity of Morse Code can continue its contribution to the Amateur Service with a fresh regulatory approach now available to the Commission in the wake of the World Radio Conference decision to discontinue international treaty requirements for Morse Code.

DISCUSSION

A federal subsidy for Morse Code in the Amateur Service today consists of mandatory proficiency testing along with an overly generous amount of protected spectrum set aside for CW on the most popular shortwave bands assigned for Amateur use. This subsidy persists despite the fact participation in Morse Code is wholly voluntary as one of the many modes and activities available to licensees.

The substantial presence of Morse Code in licensing and as a constraint in our frequency allocations dates back more than 50 years when operation in the Service could be characterized as roughly equally divided between CW and "phone" or voice activity. During those days there was a reasonable expectation an Operator could be called upon to use Morse Code during emergency communications. Today, that expectation rarely comes to pass, and such rules have not significantly augmented the remaining amount of non-emergency Morse Code operating activity. There is no question that the long-term communications trend in the Service has been toward voice modes, rendering CW a specialty pursuit. As such, it is time for a regulatory update to recognize that CW is no longer a mainstream form of communications, and should receive an appropriately smaller share of resources.

The continued disproportionate weight of CW in the FCC regulatory structure in the Amateur Service has negatively impacted existing licensees who are barred from these protected frequency zones if they do not wish to take part in this specialty mode. In addition, Petitioners believe Morse Code has barred some potential licensees, and constrained lower-class hams that are deemed unable to pass even a minimal proficiency test.

The cost of this subsidy is tangible, and this artificial, outdated support has become difficult to justify as the Commission looks for ways to improve the use of spectrum and minimize the consumption of administrative resources. That is why I believe any decision to discontinue the U.S. testing requirement *must be combined* with a realignment of frequency allocations to scale back or eliminate reserved shortwave space for Morse Code activity, so that these rigid, federally-protected areas in the Amateur bands can more closely reflect today's level of operating in this specialty mode.

RELATED DISCUSSION

The FCC has historically been reluctant to address, in a regulatory context, the strong desire of most people in the Amateur Service to develop and protect mechanisms to encourage responsible operating behavior. I am among those who believe such a mechanism exists between testing standards and the resulting "quality" of licensee. Earning one's license inevitably brings a sense of pride and accomplishment that causes the holder to treat the earned privileges more responsibly. There has already been a deleterious softening of licensing requirements with the "restructuring" of recent years, and no alternatives have been proposed to enhance the linkage between accomplishment and behavior. This controversy does not have its root in the Morse Code proficiency test, *per se*, but the prospect of dropping this licensing requirement contributes to the cumulative degradation of the sense of accomplishment possible. The initial stage of this accomplishment comes with the licensing challenge of earning the reward of being able to operate in the Amateur Service, which itself is a voluntary pursuit for those interested.

Until such alternatives to enhance the sense of accomplishment (and maintain operator quality) are proposed and enacted, I favor retaining today's minimal code proficiency demonstration. I further file these Comments opposed to dropping the code test regardless of your providing alternative licensing challenges if the Commission is not also prepared to scale back or eliminate reserved zones for the Morse Code specialty, as described above. The incentive for the FCC to consider ways to improve operator behavior (quality) rests with the burden the lack of such quality presents for your Enforcement Division. You can try to establish standards up front, or face the enforcement consequences afterward.

CONCLUSION

It has been inevitable that regulators would review the legacy mode of Morse Code and come to view it as a historical part of radio's heritage in the Amateur Service, and not a mainstream form of communicating. The recent change in provisions among international treaties has brought such an opportunity.

Signed,

/s/

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